

### **REMARKS**

Claims 9-16 and 20-25 were pending. Applicants have added claims 26-28 and amended claims 9 – 12 and 14 – 15 to address the Examiner's rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Therefore, claims 9-16 and 20-28 are now pending. In addition, claims 9-10, 13-16 and 20-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Hayashi (U.S. Patent Publication 2004/0081334). Applicant traverses the rejection and respectfully requests reconsideration of the pending claims in view of the following remarks.

With this Response, Applicants are contemporaneously filing a Declaration under 37 C.F.R. §1.131 to remove Hayashi from consideration and use as a prior art reference against this application. Accordingly, for at least this reason, Applicants respectfully request withdrawal of the rejection.

### **CONCLUSION**

Reconsideration and allowance are respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Any fee due with this response has been addressed in an accompanying transmittal. Please charge our Deposit Account No. 08-2025, under Order No. 200308974-1 from which the undersigned is authorized to draw.

Dated: January 7, 2008

Respectfully submitted,

Electronic signature: /Glenn E. Forbis/  
Glenn E. Forbis  
Registration No.: 40,610  
RADER, FISHMAN & GRAUER PLLC  
Correspondence Customer Number: 10291  
Attorney for Applicant